

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JESSE ALAN FRANK,

Plaintiff,

vs.

**CAPTAIN TERRY KOTROUS, in
individual and official capacity, and
SERGEANT BILL KUCERA, in
individual and official capacity,**

Defendants.

4:14CV3184

ORDER

This matter is before the court on the plaintiff's Motion for the Appointment of Counsel (Filing No. 23). On March 11, 2015, the court reviewed the plaintiff's Amended Complaint (Filing No. 13) finding the matter may proceed to service against these defendants. **See** Filing No. 20. The Clerk of Court has now issued summonses and forwarded them to the United States Marshal for service. **See** Filing Nos. 20, 22. There is no evidence the defendants have yet been served and an ample period remains for timely service. After service, the defendant will have an opportunity to respond to the plaintiff's Amended Complaint. As stated earlier, the court cannot routinely appoint counsel and will wait to determine the benefit of appointing counsel until the matter is further developed. Accordingly,

IT IS ORDERED:

The plaintiff's Motion for the Appointment of Counsel (Filing No. 23) is denied without prejudice to reassertion after the defendants file a response to the plaintiff's Amended Complaint.

Dated this 16th day of April, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge